Terms, references and duties to be performed by the Nodal Officers/Law Officers of the various Departments.

Government of Maharashtra
Law and Judiciary Department
Government Resolution No.: CTA-2015/75/CR 28/15/D-19
Madam Kama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai
Date: 06 March, 2015

Read- Government Circular Law & Judiciary Department No. 2006/CR221/2006/D-08, date 21/11/2014.
Read- Government Resolution Revenue & Forest Department No. –EST-2010/C.R.42/E-8, date 30/07/2011.
Read- Government Resolution Law & Judiciry Department No.–CTA-2016/C.R.94/D-19, date27/03/2015.
Read- Government Resolution Law & Judiciry Department No.–CTA-2016/C.R.94/D-19, date27/08/2014.

Introduction -

The Government issued Government Resolution on 27/3/2015 specifying the time frame for giving instructions submitting the affidavit in reply and other record in Court matters with a view to ensure expeditious decisions. The Government Resolution had been issued as per the directions of the Hon'ble High Court in the Writ Petition No.11960 of 2013 (All Maharashtra Fair Price Shopkeepers V/s State of Maharashtra). However, the Hon'ble High Court expressed that the G.R. does not stipulate the terms, references & duties of such Nodal Officers/Law Officers nor does it specify about the Scheme proposed by the Government Pleader, Write Cell nor it specify about infrastructure facilities to be provided to such Nodal Officers/Law Officers. The Hon'ble High Court expressed that the G.R. should elaborately contain all the details, terms, references and duties to be performed by such Law Officers/Nodal officers.

In view of directions issued by Hon'ble High Court in Writ Petition No.11960 of 2013, Government is pleased to direct that all Administrative Departments at Mantralaya as well as its allied officers at Districts places shall take following measures.

i) The Government has appointed Nodal Officers/Law Officers in all the administrative Departments of Mantralaya by issuing the circular. **The said circular is annexed with this G.R. as annexure 'A'**

ii) The Government in Revenue and Forest Department has appointed Nodal Officers/Law Officers in the Revenue Divisional Commissioner and District Collector Offices on contract basis vide **G.R. at annexure 'B'.**

iii) The Home Department has also appointed Law Officers in the Police Commissionerates and also District Superintendent of Police Offices on contract basis vide **G.R at annexure 'C'**.

iv) The Chief Conservators of Forests (Circles) have also appointed Law Officers in their Offices vide **G.R. at annexure 'D'**.

v) The Government in Law and Judiciary Department has already created 5 posts of administrative Officers at Government Pleader and Public Prosecutor, Appellate Side, Writ Cell, Mumbai and Original Side, Government Pleader High Court Bench at Nagpur and Aurangabad and duties imposed on these Administrative Officers to communicate all the important decisions/orders through Email to the concerned Principal Secretary/Secretary of the Government Department vide **G.R. at annexure 'E'.**

vi) The terms and reference made in the State Litigation Policy in furtherance thereof G.R dated 27/08/2014, issued by the Government may also be read to in consonance with this G.R. and the same is to be made applicable along with this G.R.

Government Resolution

Terms and references-

i) To overcome the difficulties faced and for proper co-ordination between the Departments of Government and Government prosecuting agencies, each department of Government shall appoint minimum one Nodal officer not below the rank of Under Secretary. The Nodal Officer/Law Officer to be appointed shall be law graduate with minimum three years experience of handling the Court matters in the High Court and the subordinate Courts.

ii) In order to keep the Nodal Officer/Law Officer updated with the latest developments in Law, all infrastructural facilities which include law books, journals, software, literature on law etc. shall be provided to him. All the legal matters of the department shall be routed through Nodal Officer/Law Officer including the matters to be referred for the opinion to Law and Judiciary Department.

Duties of the Nodal Officers/Law Officers-

i) The Nodal Officer/Law Officer shall be responsible for active case management. He shall constantly manage the cases pending before the Court and also examine whether cases have gone "right tract" or have been unnecessarily delayed. He shall act as effective and efficient connecting link between Department and Government Advocate to speed up the process and to achieve the desired result.

ii) The Nodal Officer/Law Officer shall prepare the draft pleadings/parawise comments in consultation with the dealing officers of the Department and Government Advocate and provide all necessary information and documents for drawing proper pleadings and advancing arguments before the Courts. The Nodal Officer/Law Officer shall see to it that the suits or other proceedings instituted against or by on behalf of the Government are drafted in precision and clarity. He, in consultation with dealing officers and the Government Advocate, shall ensure that, all the necessary documents giving complete information are made available to concerned Government Advocate and the Court. The Nodal Officer/Law Officer shall also take effective steps to ensure that the communication received from the Government Advocate is placed before the concerned offices dealing with the matter and further keep track of the subject and ensure that instructions called for reaches the Government and also further ensure that the Affidavit-in-reply in the matters are filed preferably within time as possible. It would be the duty of Nodal Officer/Law Officer to keep the track of the listing dates of the hearing of the cases in the Court and accordingly instruct the concern offices dealing with the subject matter to attained the hearing as well as contact the Government Advocate on the date of hearing.

iii) The Nodal officer/Law Officer shall regularly attend the Court Proceedings and also see that conversant officers will attend the cases as and when necessary and keep the Administrative Head of the Department informed about the progress of the cases before the Courts of Law. He shall prepare monthly report about the pending cases, the stages of proceedings, the matters, if any, listed for hearing,

the decision, if any delivered and steps taken pursuant to the decision in the process. He shall maintain/ask to maintain dealing officer the proper record of the Court proceedings into the Department.

iv) The Nodal Officer/Law Officers present in the court shall give report of any directions, adverse remarks, observations, dissent or dissatisfaction expressed by the Court in its order of judgment or like. He shall also report the matters of procedural delays and repetitive adjournments in sufficient details.

v) Dereliction of duties on the part of Nodal Officer/Law Officers and concerned dealing officers shall be liable for the action as prescribed under the Maharashtra Civil Service (Conduct) Rules, 1979 & Maharashtra Civil Service (Discipline and Appeal) Rules, 1979.

The Government is also pleased to further direct that these instructions shall be followed scrupulously, and the heads of all the Departments at Mantralaya and its allied offices in Districts shall be responsible for carrying out the directions herein.

All the concerned administrative Department shall, immediately bring to these directions to the notice of its subordinate and allied offices.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201504071139433612. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

SAYEED MOHAMMAD AKRAM

Digitally signed by SAYEED MOHAMMAD AKRAM
DN: c=IN, o=GOVERNMENT OF MAHARASHTRA, ou=LAW AND JUDICIARY,CID - 917947, postalCode=400032, st=Maharashtra, cn=SAYEED MOHAMMAD AKRAM
Date: 2015.04.07 12:33:55 +05'30'

(M.A. Sayeed)
Principal Secretary & Remembrancer of Legal Affairs

Copy forwarded to:

1. The Secretary to the Governor of Maharashtra, Maharashtra, Mumbai.
2. The Principal Secretary to Chief Minister, Maharashtra.

3. The Private Secretary to the State Minister, Law and Judiciary Department, Mantralaya, Mumbai.
4. The Chief Secretary of Maharashtra.
5. All the Additional Chief Secretaries/Principal Secretaries/Principal Secretary/Secretary.
6. The Ld. Advocate General, Maharashtra, Mumbai.
7. All Mantralaya, Departments.
8. The Government Advocate, Supreme Court, New Delhi.
9. The Government Pleader, High Court (OS)/(AS) & (Writ Cell) (AS), Mumbai.
10. The Government Pleader, High Court, Nagpur, Aurangabad.
11. All the District Government Pleader in State of Maharashtra.
12. The Joint Secretary, Nagpur/Aurangabad.
13. All the Deputy Secretary (Law)/Under Secretary (Law) of all the departments.
14. All the Desks/branches in Law & Judiciary Department, Mantralaya, Mumbai.

Anexure 'A'

सरकारी वकीलांची तक्रार विधी व न्याय विभागाकडे करणेबाबत व शासकीय न्यायालयीन कामकाज हाताळण्याकरीता विभागनिहाय नोडल अधिकारी नेमणेबाबत

महाराष्ट्र शासन

शासन परिपत्रक क्रमांक संकिर्ण- ५९१३/८२९/का-१४
विधी व न्याय विभाग,
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई-४०० ०३२.
दिनांक : २१ जानेवारी, २०१४.

संदर्भ- मा.महाधिवक्ता यांचे दिनांक २४/९/२०१३ चे पत्र.

-: परिपत्रक :-

शासनातर्फे अथवा शासनविरोधी अनेक दावे / खटले विविध न्यायालयांमध्ये चालवली जातात. शासनाच्या वतीने बाजू मांडण्यासाठी सरकारी वकीलांची नियुक्ती, पुनर्नियुक्ती,तक्रारी व तत्सम आस्थापना विषयक बाबी विधी व न्याय विभागाकडून हाताळल्या जातात.

शासनाची न्यायालयीन प्रकरणे हाताळीत असताना प्रकरणातील संबंधित सरकारी वकील व शासकीय अधिकारी यांच्यामध्ये काही कारणास्तव मतभेद झाल्यास व सरकारी वकीलांविरुध्द तक्रार करावयाची असल्यास सदर तक्रार ही विधी व न्याय विभाग हा संबंधित प्रशासकीय विभाग असून व प्रशासकीय विभाग प्रमुख म्हणून प्रधान सचिव व विधी परामर्शी, विधी व न्याय विभाग, मंत्रालय यांचेकडे करावी. त्यासंबंधी योग्य ती पुढील कार्यवाही या विभागाकडून करण्यात येईल.

शासकीय न्यायालयीन प्रकरणांमध्ये कामकाज हाताळण्याकरीता रिट याचिका क्र.३५०९/२०१३, देवेंद्र वाघ विरुध्द महाराष्ट्र शासन या प्रकरणामध्ये दिलेल्या निर्देशानुसार सर्व प्रशासकीय विभागाकडून नोडल अधिका-याची नियुक्ती करण्यात आली आहे. सदरहू नोडल अधिका-यांची यादी सोबत जोडली आहे. सदर नोडल अधिकारी हे त्या विभागातील संबंधित अधिका-यांकडून न्यायालयीन प्रकरणाबाबतची माहिती, त्यासंदर्भातील सूचना व कागदपत्रे संबंधित सरकारी वकीलास देण्यास सक्षम असतील व त्यांच्यामध्ये समन्वय साधतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(व्ही.जी.बिष्ट)
शासनाचे सह सचिव

प्रत,

मा.महाधिवक्ता, महाराष्ट्र राज्य, मुंबई.
सर्व अ.मु.स./ प्र.स. / सचिव, मंत्रालयीन विभाग, मंत्रालय, मुंबई
सरकारी वकील, (अपिल शाखा)/ (मूळ शाखा)/ (रिट सेल), उच्च न्यायालय, मुंबई
सरकारी वकील, उच्च न्यायालय मुंबई खंडपिठ औरंगाबाद
सरकारी वकील, उच्च न्यायालय मुंबई खंडपिठ नागपूर
कार्यासन -७/"ई" व "म" शाखा कार्यासन-१४,
निवडनस्ती.

D:\Mrs DHADAM २०१४\परिपत्रक २०१४.docx

Annexure (B)

To appoint 35 Law Officers Group A-temporarily i.e. 1 post for each District and to create 35 posts of Stenographers temporarily.

Government of Maharashtra
Revenue and Forests Department
Government Resolution No. -EST-2010/ C.R. 42/ E-8
Mantalya, Mumbai-400 032
Dated the 6th April 2011.

Preamble

The work relating to court cases in respect of revenue administration is being handled in the Office of the Collector, at the field level. In addition to the regular work,There is a shortage of staff (Officers/ Other employees) to handle court cases, which are required to attend the routine work also. The proposal for creation of the posts in the cadre of Law Officers for the purpose of attending all court work, to prepare parawise report at all levels of court cases, to prepare affidavits, etc., as also to present the stand of the State Government effectively and to assist speedy disposal of cases, was under the consideration of the Government. The proposal was also under the consideration of the Government to create temporary posts of stenographers to assist the Law Officers.

Government Resolution

After considering the proposal , the Cabinet has in its meeting held on 23.2.2011, accorded approval to appoint 35 Law Officers (1for each District) on contract basis and to create 35 temporary posts of Stenographers. In accordance with the Cabinet approval , the Government hereby accords approval for cretation of the following posts at the local level of Revenue Department on the establishment of the Collector.

A) For the establishment under the control of the Collector, the following posts of Law Officers- Group A

Sr No.	Designation	Consolidated monthly pay+Telephone and Conveance	1 post each for the establishment under the control of the Collector	Total posts
1	Law Officers- Group A	Rs 20,000+5,000	1	35

The above posts should not be filled in on regular basis but shall be filled, as per the terms and conditions prescribed by the Government or the recruitment rules made for the purpose, on the contractual basis for 11 months.

To fill 35 posts of Law Officers (1 post for each District) under the control of the Divisional Commissioners, on contract basis

Government of Maharashtra
Revenue and Forests Department
Government Resolution No. -EST-2010/ C.R. 42/ E-8
Mantalya, Mumbai-400 032
Dated the 30th July 2011.

Read: Govt Resolution No. EST-2010/ C.R. 42/ E-8, dt. 6Th April 2011.

Government Resolution:-

With a view to ensure that the Government stand is placed effectively before the Courts and to assist speedy disposal of the Court cases at the field level of the Revenue administration the 35 posts of Law Officers (1 for each District) have been created, on contract basis in the consolidated pay of Rs. 20,000+ Rs. 5,000/- towards the Telephone and conveyance charges vide above referred Government Resolution dated the 6th April 2011.

2. In accordance with para 1 of the said Government Resolution, dated the 6th April 2011, Sanction is accorded to fill up the said 35 posts of Law Officers, on the following terms and conditions and it is directed that the said posts shall not be filled in on the regular pay:-

A) The appointment to the said posts is purely on the contractual basis. The said Law Officers shall not be treated as Government employees

B) The appove appointments shall be made on the contractual basis initially for a period of 11 months. The period of 11 months may be extended from time to time in case of necessity. However, the appointing authority shall, while extending the term, ensure that the period of extension shall not exceed 11 months. The appointment shall be so made only for 3 times. Thereafter if the competent authority is of the opinion that the candidate needs to be re-appointed, such candidate shall be required to undergo the selection process again.

C) The concerned appointing authority shall at the time of appointment execute with the concerned person an aggreement on behalf of the Government, in the prescribed form. The form of agreement prescribed is specified in Annexure "B". It shall be the responsibility of the concerned office to ensure that the the documents relating to contract are preserved carefully.

D) The Officers/employees appointed on the contract basis shall not be entitled to any other allowances other than the consolidated pay and telephone and conveyance allowance as may be admissible.

E) The particulars Educational qualifications, experience, duties and responsibilities in respect of the posts on contract basis is specified in Annexure "A". The competent authorities shall take action for the selection of the candidates as the said Government Resolution as well as the Government Policies.

3. The necessary expenditure on this count shall be made from the budget grants made available in the current year 2011-12.

4. This Government Resolution is issued in accordance with the decision of the Cabinet in its meeting held on the 23rd February 2011.

By order and in the name of the
Governor of Maharashtra,
Sd/ - (S.M.Dhadve)
Desk Officer
Revenue and Forests Department.

Copy to,-

1. Principal Secretary to Hon'ble Governor.
2. Principal Secretary to Hon'ble Chief Minister.
3. Secretary to the Hon'ble Deputy Chief Minister.
4. All Divisional Commissioners.
5. All Collectors.
6. All Treasury Officers.
7. Principal Accountant General 1/2/ (Audit and Accounts), Mumbai
8. Pay and Accounts Officer, Mumbai.
9. Resident Audit Officer, Mumbai
10. Finance Department, Exp9/ Financial Reforms-1, Budget-6, Mantralaya, Mumbai 400 032.
11. Desk Officer, Desk-B-1, Revenue and Forests Department, Mantralaya, Mumbai 400 032.
12. All Desk Officers, Revenue and Forests Department, Mantralaya, Mumbai 400 032
13. Desk- E-8, Revenue and Forests Department, Mantralaya, Mumbai 400 032 (Select file).

To appoint 35 Law Officers Group A-temporarily i.e. 1 post for each District and to create 35 posts of Stenographers temporarily.

Government of Maharashtra
Revenue and Forests Department
Government Resolution No. -EST-2010/ C.R. 42/ E-8
Mantalya, Mumbai-400 032
Dated the 30th July 2011.

Read: Govt Resolution No. EST-2010/ C.R. 42/ E-8, dt. 6Th April 2011.

Corrigendum to Government Resolution:-

With a view to appoint 35 Law Officers Group A (1 for each District) on contract basis and for creating 35 posts of stenographers , the Goverenment Resolution No. EST-2010/ C.R. 42/ E-8, dt. 6Th April 2011 has been issued.

The said Governemnt Resolution is amended as follows:-
for "Law Officer- Group A" substitute " Law Officer" and for "monthly pay" substitute "honorarium".

By order and in the name of the
Governor of Maharashtra,
Sd/ - (S.M.Dhadve)
Desk Officer
Revenue and Forests Department.

Copy to,-

1. Principal Secretary to Hon'ble Governor.
2. Principal Secretary to Hon'ble Chief Minister.
3. Secretary to the Hon'ble Deputy Chief Minister.
4. All Divisional Commissioners.
5. All Collectors.
6. All Treasury Officers.
7. Principal Accountant General 1/2/ (Audit and Accounts), Mumbai
8. Pay and Accounts Officer, Mumbai.
9. Resident Audit Officer, Mumbai
10. Finance Department, Exp9/ Financial Reforms-1, Budget-6, Mantralaya, Mumbai 400 032.
11. Desk Officer, Desk-B-1, Revenue and Forests Department, Mantralaya, Mumbai 400 032.
12. All Desk Officers, Revenue and Forests Department, Mantralaya, Mumbai 400 032
13. Desk- E-8, Revenue and Forests Department, Mantralaya, Mumbai 400 032 (Select file).

Annexure 'C'

Filling of the Post Law Advisors, Law Officers and Law Directors to be appointed on Contractual basis in the Offices under the Control of Director General of Police Maharashtra State and Police Commissioner of Greater Mumbai

Government of Maharashtra

Government Resolution No : **SPP** 2005/ **C.R.** 247/ **Pol** 10 /
Home Department, Mantralaya, Mumbai 32,
Dated 15 September, 2006.

Read : Government Resolution, Home Department No. APO 3106/C.R. 227/ Pol 3, date 21/8/2006

Government Resolution: The Cases filed by the Police in the Court should be filed legally and for that they should get legal Assistance so that culprits gets punishment and the maintenance of Law & Order becomes more effective. Further in the Police Training Institution the imparting of training in law to the Police should become simple, therefore on the establishment of Director General of Police and the Inspector General of Police Maharashtra State & Police Commissioner, Greater Mumbai 471 posts of Law Officers have been created vide Government Resolution dated 21/8/2006 mentioned under reference. These posts are as below:

Sr. No.	Designation	No. of Sanctioned Post on			Total No. of Posts
		Total Consolidated monthly remuneration + Telephone & Travelling Expenditure	For the establishments under the Control of Director General of Police Maharashtra State	No. of Posts sanctioned on the establishments under the Control of Police Commissioner, Greater Mumbai	
1	Legal Advisor	25,000+ 3000	3	1	4
2	Law Officer Group- A	20,000+ 5000	22	8	30
3	Law Officer Group- B	15,000+ 5000	55	--	55
4	Law Officer	12,000+ 3000	263	20	283
5	Law Director	12,000+ 3000	99	--	99
	Total		442	29	471

In regard to filling in the above posts as provided in paragraph 3 of the said Government Resolution instead of filling these post in the regular pay scale of these posts should be filled in on contractual basis against consolidated pay subject to the following terms and condition the Government hereby accord sanction:-

a) The appointments against these posts will be fully against Contractual basis. These Officers/ Employees will not be treated as Government Employee.
b) These appointments will be made under agreement: Shall be made for the period of 11months. After expiry of 11months if necessary the period of agreement may be extended, but care should be taken by the Appointing Authority to see that the period of extension does not exceed the period of 11months at a time. This kind of appointment may be made for maximum 3times. Therefore if it is the opinion of competent Authority that it is necessary to make reappointment of the candidate then the candidate will have to undergo again the process of selection.
c) The concerned Appointing Authority at time of appointment of the candidate on behalf of the Government will execute agreement in the prescribed form. The prescribed form is given in the Appendix "B". It is the responsibility of the concerned office that all the papers of agreement should be preserved under security in the office.
d) The Officers/ Employees given appointment under contractual basis will not be eligible for any other allowance except Consolidated pay Telephone Expenditure.
e) The details of requirement for appointment against these posts on Contractual basis the educational qualification, experience duties and responsibilities of the posts and selection board are given in Appendix- "A". The Competent Authority should follow these provisions made in this Government Resolution under the existing policy of the Government should take action for selection of the candidate.

The expenditure on the above items should be met from the sanctioned budget grants for the year 2006-07.

These orders are issued under concurrence granted by Finance Department vide un official reference No. C.R. 7/397/06/Exp-7 dated 14/9/2006.

This Government resolution is available on the website of Government of Maharashtra www.maharashtra.gov.in Index No. 200609181772229001 orders are signed in the digital words.

By order and in the name of Governor of Maharashtra.

Sd/-
(M.A. Gutte)
Under Secretary, Government of Maharashtra

Copy to,

Principal Secretary to Governor,
Principal Secretary to Chief Minister,
Secretary to Deputy Chief Minister,
Account General 1/2 (Audit /Accounts & Payment) Mumbai / Nagpur
Director General and Inspector General of Police Maharashtra State Mumbai.
Director General,Anti Corruption Bureau,Maharashtra State, Mumbai.
Director General of the Police, Crime Detection Department , Pune .
Director , Maharashtra Police Academy, Nasik
Special Inspector, General of Police (Police Training), Maharashtra State Mumbai.
All the Principal of The Police Training School
Private Secretary to State Home Minister (Home)
Police Commissioners, Greater Mumbai
All the Police Commissioners
All the Superintendent of Police
All the Heads of Police Units
Pay & Accounts Officer Mumbai/ All the District Treasury Officers
Resident Audit Officer
Finance Department (Exp-7, Budget 10/ Finance Resource/ Appropriation) Mantralaya Mumbai.
Desk-Pol-3, Home Department and all the Desks of Home Department
Select File – Pol-10.

Appendix –A

Government Resolution No. : APP 2005/ C.R. 247/ Pol 10, Home Department, Mantralaya, Mumbai 32, dated 15 September, 2006.

The educational Qualifications, experience, duties and responsibilities of Legal Advisor & Law Officer (Group –A), Law Officer (Group –B), and Law Director to be appointed on Contractual basis will be as below:

(1) <u>Legal Advisor & Law Officer(Group –A):</u>

<u>Educational Qualification & Experience</u>

1) The Candidate will be a Law Graduate from the recognized University & should be a Charter holder.
2) It is necessary for the candidate for the post of Legal Advisor to have minimum experience of legal profession of 10years as advocate. For the post of Law Officer(Group –A) should have minimum experience of 7 years as an advocate.
3) The candidates should be well versed in the trial of Criminal Cases Service Matters. Administrative Matter and Departmental Enquiries etc so that they may complete legal action competently.
4) The candidate shall posses sufficient knowledge of Marathi, Hindi and English languages
5) Age of the Candidate
   a) For the post of Legal Advisor the age of the candidate at the time of appointment will not be more than 50years.
   b) For the post of Law Officer(Group –A) the age of the candidate at the time of appointment will not be more than 45years

Or

6) The person during the course of Government Service has been actually handling the work pertaining to Law and that person who possess the deep knowledge of Criminal, Administrative and Service Law and posses the knowledge of established contemporaneous law on the basis of orders passed by Hon. Supreme Court, the services of such persons will be treated as valid for the purpose of experience but other conditions of appointment will be applicable to this person. The person in Government Service will be ineligible for selection.

The Selection Board for selection of Legal Advisor & Law Officer (Group-A)

Office of the Director General of the Police.

(a) The Director General & Inspector General of Police Maharashtra State Mumbai :	Chairman
(b) An Officer of the rank of Special Inspector General of Police :	Member
(c) An Officer of the Rank a Deputy Inspector General of Police :	Member
(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College :	Member

- Director General of Police Maharashtra State will be the appointing Authority.
- The Appointments / Selections of the Members of the above Board will be made by Director General of Police Maharashtra State.

Office of the Director General of Anti Corruption Bureau :

(a) Director General of Anti Corruption Bureau, Mumbai or Additional Inspector General of Police Maharashtra State Mumbai :	Chairman
(b) An Officer of the rank of Special Inspector General of Police :	Member
(c) An Officer of the Rank a Deputy Inspector General of Police :	Member
(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College :	Member

- Director General of Police Maharashtra State will be the appointing Authority.
- The Appointments / Selections of Member of the above Board will be made by Director General of Anticorruption Bureau Maharashtra State.

Office of the Police Commissioner Greater Mumbai :

(a) Police Commissioner	Chairman
(b) An Officer of the rank of Special Inspector/ Assistance Police Commissioner General of Police	Member
(c) An Officer of the Rank a Deputy Inspector General of Police	Member
(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College	Member

- ❖ The Police Commissioner Greater Mumbai will be the appointing Authority.
- ❖ The Appointments / Selections of Member of the above Board will be made by Police Commissioner Greater Mumbai.

The Additional Director General of Police Crime Detection Department Maharashtra State, Pune

(a) Director General of Inspector Police Crime Detection Department	Chairman
(b) An Officer of the rank of Special Inspector General of Police	Member
(c) An Officer of the Rank a Deputy Inspector General of Police	Member
(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College	Member

- ❖ The Additional Director General of Police Crime Detection Department Maharashtra State, Pune will be the appointing Authority.
- ❖ The Appointments / Selections of the Member of the above Board will be made by Additional Director General of Police, Maharashtra State, Pune:

Functions & Duties of the Legal Advisor and Law Officer, Group A

1) Required to give advises in legal matters/ Judicial Cases received in the Office & handle all such case.
2) Required to give advise in regard to service matter/ Administrative matters/ Departmental enquiries and the contemporaneous established law.
3) Follow up with the Government Pleader for expeditious disposal of pending Court cases and in case where the Government is defendant to prepare the affidavit with the help of officers.
4) Preparation of the draft of the affidavit and to get the approval of the competent authority and submit in the Court within the prescribed time limit.
5) In cases where the judgment has been pronounced against Government, the judgment of the court to be studied and for filing appeal to take proper action.
6) If it is proper to file appeal against such decision is taken then the draft of appeal to be prepared and forward to the concerned Government Pleader and to follow up till the final judgment is passed in the appeal.
7) In regard to the legal work assigned necessary action to be taken within the prescribed time limit.
8) Proper assistance should be rendered in Police Station for filing First Information Report.

(2) **Law Officer, Group-B and Law Officer**

Educational and experience

1) The Candidate will be a Law Graduate from the recognized University & should be a Charter holder
2) For both the post of Law Officer Group-B and Law Officer it is necessary for the candidate to have at least experience of 5 years of Legal Practice.
3) The candidates should be well versed in the trial of Criminal cases Service Matters. Administrative cases and Departmental Enquiries etc so that they may discharge legal action competently.
4) The candidate shall posses sufficient knowledge of Marathi, Hindi and English languages
5) Age of the Candidate
   a) For the post of Legal Advisor Officer(Group –B) the age of the candidate at the time of appointment will not be more than 45years
   b) For the post of Legal Advisor the age of the candidate at the time of appointment will not be more than 40 years.

Or

6) The person during the course of Government Service has been actually handling the work pertaining to Law and that person who possess the deep knowledge of Criminal, Administrative and Service Law and posses the knowledge of established coeval law formed on the basis of orders passed by Hon. Supreme Court, the services of such persons will be treated as valid for the purpose of experience but other condition of appointment will be applicable to this person. The person is Government Service will be ineligible for selection.

The Selection Board for selection of Legal Advisor & Law Officer (Group-B) Office of the Police Commissioner Greater Mumbai

(a) Police Commissioner	Chairman
(b) An Officer of the rank of Special Inspector General of Police:	Member
(c) An Officer of the Rank a Additional Police Commissioner :	Member
(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College :	Member

- ❖ The Concerned Police Commissioner will be the appointing Authority.
- ❖ The Appointments / Selections of the Member of the above Board will be made by the Concerned Police Commissioner.

Other Police Directorate/ Special Inspector General of Police Circle and District Superintendents of Police

A) Except Mumbai, Pune, Thane & Nagpur: **Office of the Other Police Commissionerate**

(a) Police Commissioner :	Chairman
(b) Deputy Police Commissioner (Head Office) :	Member
(c) **Superintendent of Police nominated by Director General of** Police :	Member
(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College:	Member

- ❖ The Concerned Police Commissioner will be the appointing Authority.
- ❖ The Appointments / Selections of the Members of the above Board will be made by the Concerned Police Commissioner.

B) Office of Special Inspector General of Police Commissioner and District Superintendent of Police.

(a) Special Inspector General of Police Circle :	Chairman
(b) An Officer of the Rank of Police Superintendent :	Member
(c) An Officer of the Rank Police Superintendent (Nominated by the Director General of Police :	Member
(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College :	Member

- ❖ The Concerned Special Inspector General of Police Circle will be the appointing Authority.
- ❖ The Appointments / Selections of the Member of the above Board will be made by the Concerned Special Inspector General of Police Circle

Functions & Duties of the Law Officer, Group-B and Law Officer

1) Required to give advises in legal matters/ Judicial Cases received in the Office & handle all such cases.
2) Required to give advise in regard to service matters/ Administrative matters/ Departmental enquiries and the contemporaneous established law.
3) Follow up with the Government Pleader for expeditious disposal of pending Court cases and in case where the Government is defendant to prepare the affidavit with the help of officers.
4) Preparation of the draft of the affidavit and to get the approval of the competent authority and submit in the Court within the prescribed time limit.
5) In cases where the judgment has been pronounced against Government, the judgment of the court to be studied and for filing appeal to take proper action.
6) If it is proper to file appeal if such decision is taken then the draft of appeal to be prepared and forwarded to the concerned Government Pleader and to follow up till the final judgment is passed in the appeal.

7) In regard to the legal work assigned necessary action to be taken within the prescribed time limit.
8) Proper assistance should be rendered in Police Station for filing First Information Report.

(3) **Law Director**

Educational Qualifications and experience

1) The Candidate will be a Law Graduate from the recognized University & should be a Charter holder
2) For the post of **Law Director** it is necessary for the candidate to posses at least experience of 5 years of Legal Practice as an advocate .
3) The candidates should be well versed in the trial of Criminal cases Service Matters. Administrative cases and Departmental Enquiries etc so that they may discharge legal action competently.
4) The candidate shall posses sufficient knowledge of Marathi, Hindi and English languages
5) Age of the Candidate for the post of **Law Director** the age of the candidate at the time of appointment will not be more than 35years

Or

6) The person during the course of Government Service has been actually handling the work pertaining to Law and that person who possess the deep knowledge of Criminal, Administrative and Service Law and posses the knowledge of established coeval law on the basis of orders passed by Hon. Supreme Court, the services of such persons will be treated as valid for the purpose of experience but other conditions of appointment will be applicable to this person. The person in Government Service will be ineligible for selection.

Selection Board for selection of Legal Director

1) **Maharashtra Police Academy Nasik** :

(a) Director, **Maharashtra Police Academy Nasik.**	Chairman
(b) An Officer of the rank of Deputy Inspector General of Police :	Member
(c) An Officer of the Rank a Superintendent of Police :	Member

(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College : Member

- ❖ The Concerned Director, **Maharashtra Police Academy Nasik** will be the appointing Authority.
- ❖ The Appointments / Selections of the Member of the above Board will be made by the Concerned Director, **Maharashtra Police Academy Nasik.**

A) **Other Police Training School in State**

(a) An Officer of the rank of Special Inspector General of Police (Training), Mumbai : Chairman

(b) An Officer of the Rank of Deputy Inspector General of Police (Nominated by the Director General of Police) : Member

(c) Principal, Police Training School : Member

(d) Senior Advocate/ from the Government approved Panel Special Counsellor/ District Police Prosecutor or the Director from the Directorate of Prosecution, Maharashtra State Mumbai/ Professor, Law College : Member

- ❖ The Concerned Special Inspector General of Police (Training) will be the appointing Authority.
- ❖ The Appointments / Selections of the Member of the above Board will be made by the Concerned Special Inspector General of Police (Training)

Functions & Duties of the Legal Director,

1) Training to be given as per the prescribed Syllabus.
2) For the Competitive examination and written Examinations conducted from time to time by Police Training School preparation of question papers of the examination checking of the answer sheet preparation of the results of examinations and in all other activities related to examination including rendering assistance to Special Inspector General of Police (Training) and Principal, Police Training School in the Police Training.
3) All the work assigned in regard to the Police Training from time to time.

****

B) 35 temporary posts of the stenographers (1 post for each District) are also created in the pay scale of Rs. 5,200- 20,200 (Grade Pay 2,400), who will assist the Law Officer- Group A.

The above posts shall be filled in alongwith the appointment of Law Officer Group-A.

3. The expenditure on this count shall be made from the budget head "Demand No. C-1-2053-District Administration 093 (01) General Establihment" and shall be made from the budgeted grant available for the year.

4. This Government Resolution is issued in accordance with the decision of the Cabinet.

By order and in the name of the
Governor of Maharashtra,
Sd/ - (S.M.Dhadve)
Desk Officer
Revenue and Forests Department.

Copy to,-
1. Principal Secretary to Hon'ble Governor.
2. Principal Secretary to Hon'ble Chief Minister.
3. Secretary to the Hon'ble Deputy Chief Minister.
4. All Divisional Commissioners.
5. All Collectors.
6. All Treasury Officers.
7. Principal Accountant General 1/2/ (Audit and Accounts), Mumbai
8. Pay and Accounts Officer, Mumbai.
9. Resident Audit Officer, Mumbai
10. Finance Department, Exp9/ Financial Reforms-1, Budget-6, Mantralaya, Mumbai 400 032.
11. Desk Officer, Desk-B-1, Revenue and Forests Department, Mantralaya, Mumbai 400 032.
12. All Desk Officers, Revenue and Forests Department, Mantralaya, Mumbai 400 032
13. Desk- E-8, Revenue and Forests Department, Mantralaya, Mumbai 400 032.

Annexure 'D'

Appointment of Legal Advisor on Contractual basis for Forest Department

Government of Maharashtra

Revenue & Forest Department
Government Resolution No. :S- 30/12/2012/C.R.233/F-6
Mantralaya Mumbai: 400 032
dated: 13/November /2013

Reference :

1) Government Resolution of even number dated 24th October 2013.

Preamble :

Forest is the National Wealth. In Maharashtra out of the land Geographical area 20% area is under forest. Increase in population is causing pressure on the forest wealth therefore, it has become very difficult to carryout the survey, protection and conservation of the forest wealth. In order to exercise effective control upon the encroachment on the forest land, illegal cutting of trees and illegal hunting of the forest, animals all the measures are being taken by Government to be vigilant. But the number of offences committed in regard to violation of Forest Act is increasing day by day, there is increase is the number of cases filed in court against the offender of Forest Law. Hence for placing the Government side effectively before the court it is necessary that the qualitative affidavits/ statements should be filed. Inview of all these factors, the Hon. Mumbai High Court Nagapur Bench in Writ Petition No. 1277/2000 have passed the orders on 30th April 2004 as below:

That on earlier occasion this court has already directed the Forest Department to create legal cell in each division and the officers incharge of the legal cell should monitor the cases pending in the Court.

However in Video conference arranged in this regard on 29/10/2013 with Senior Forest Officers and Regional Forest Officer after detailed discussion for including more clarity in the directions to be issued in the Government Resolution under reference is hereby cancelled and the following decision is hereby taken.

Government Resolution:

2. In regard to the said preamble, the Government hereby grant sanction for appointment of 11 Legal Advisor for Forest Department on contractual basis on consolidated amount of Rs. 50,000/- (Rupees Fifty Thousand only) per month as detailed below.

Sr. No.	Forestry Division	No. of Legal Advisor	Office for which the services of Legal Advisors will be made available	Head Quarter of Legal Advisor
1	2	3	4	5
1	Amravati	1	Amravati Regional Forestry Division and all the Regional Forest Department under it and Melghat Tiger Project and under that all the Wild life Department.	Amravati
2	Gadchiroli	1	Gadchiroli Regional Forestry Division and all the Regional Forest Department under it and Divisional Forest Officer (Wild Life) Allapalli	Gadchiroli
3	Chandrapur	1	Chandrapur Regional Forestry Division and all the Regional Forest Department under it and Tadoba Tiger Project and Offices under it at Chandrapur.	Chandrapur
4	Nagpur	1	Nagpur Regional Forestry Division and all the Regional Forest Department under it and Additional Principal Chief Forest Conservator (Eastern Wild Life) Pench Tiger Project Nagpur and Regional Wild life Di vision Gondia.	Nagpur
5	Aurangabad	1	Aurangabad Regional Forestry Division and all the Regional Forest Department and Deputy Forest Conservator (Wild Life) Aurangabad	Aurangabad
6	Yavatmal	1	Yavatmal Regional Forestry Division and all the Regional Forest Department under it and Divisional Forest Officer (Wild life) Pandharkawda	Yavatmal
7	Nasik and Dhule	1	Nasik & Dhule Regional Forestry Division and all the Regional Forest Department under it and Forest Conservator (Wild life) Nasik and Additional Chief Forest Conservator (Wild life) Nasik	Nasik
8	Pune	1	Pune Regional Forestry Division and all the Regional Forest Departments under it and Chief Forest Conservator (Wild life) Pune	Pune
9	Kolhapur	1	Kolhapur Regional Forestry Division and all the Regional Forest Departments under it and Chief Forest Conservator (Wild life) Kolhapur	Kolhapur
10	Thane	1	Thane Regional Forestry Division and all the Regional Forest Departments under it and all Forest Division under and Conservator of Forest (Wild life) Thane	Thane
11	Sanjay Gandhi National Park Department	1	The Additional Principal Chief Forest Conservator (Wild life), Mumbai Chief Conservator of Forest and the Director, Sanjay Gandhi National Park and Chief Forest Conservator (Kandalvan Section) Mumbai.	

Note : In the wild life Branch the Offices of those Deputy Conservator of Forest /Division Forest officers are away from their functionary jurisdiction Forestry Division will be at liberty to obtain the services of legal advisors from the nearest Forestry Division. For that no additional fees/ allowance will be payable to the concerned legal advisor.

3. **Process for appointment of Legal Advisor on contractual basis:**

3.1 Educational Qualification & Experience

1) The candidate will be the retired District Judge/ Additional District Judge/ First Class Magistrate. If such Candidates are not available then the candidate should have the experience of 20yeas as Legal Advisor in any Government institution or Public undertaking. If the Candidates of both the categories are not available then the Candidate who have handled the work as Police Prosecutor for at least 10years the Criminal Cases, Civil and Establishment matters in the Court of First class Magistrate in the Senior Division Court/ Labour Court or Industrial Court.
2) The Candidate should be well versed in dealing with the cases of Forest Crime and Civil cases, Service and establishment matters.
3) The Candidate should posses sufficient knowledge of Marathi, English and Hindi Languages.

3.2 Process of Selection

For holding interviews for selection of Legal Advisor on Contractual basis the concerned Regional Chief Conservator . or as the case may be Chief Conservator of Sanjay Gandhi National Park will give advertisement in the prominent news papers published at Local & State Level and this advertisement will be published on different dates in different news papers and also placed for sufficient period on Website of the Forest Department. After receipt of the applications for the selection of Candidate will be made through interviews. The date of interviews will be published in different news papers on different dates. In this regard the responsibility of monitoring and coordination will be of the Principal Chief Conservator of Forest (Chief of Forest Force), Maharashtra State, Nagpur. The responsibility for taking interviews and selection of candidates will of the following committee:

Chief Regional Forest Conservator -	Chairman
Concerned District Collector	Member
Joint Secretary, Law and Judiciary Department (Nagpur/Mumbai Aurangabad/	Member
Deputy Conservator of Forest (Regional) in the Head Quarters of Forest Division	Member Secretary

Note :

1) The responsibility of the post of the Chairman of Nasik & Nagpur Forestry Division and Sanjay Gandhi National Park Department will

be discharged by the Additional Principal Chief Forest Conservator (Wild life)

2) For the Sanjay Gandhi National Park Department the responsibility of Member, Secretary will be discharged by Chief Conservator of Forest Sanjay Gandhi National Park.

3.3 **Process regarding appointment :**

The successful candidate selected by the committed will be informed by concerned Chief Forest Conservator in Writing. In case of Sanjay Gandhi National Park processing this responsibility will be discharge by the Chief Forest Conservator Sanjay Gandhi National Park, Borivali.

Execution of the agreement in the form prescribed in Appendix-A Executive of Agreement by the selected candidate will be compulsory. The concerned Regional Chief Forest Conservator will execute the agreement on behalf of the Government. In regard to Sanjay Gandhi National Park Department, the Chief Forest Conservator Sanjay Gandhi National Park Department Borivali will execute agreement on behalf of Government.

4. Responsibility of the Legal Advisor

1) If the reference is received in writing from the concerned Forest Officer for giving advise in regard to subject of Forest he will give advise in writing.
2) In cases of parawise remarks / the draft of the affidavit, whether it is legally proper or otherwise, after receipt of such reference in writing will scrutinize the draft and make appropriate corrections in the draft prepared by the concerned Forest Officer.
3) For expenditure disposal of the pending Court Cases he should follow up with Government Pleader and also inform in writing the latest position of the Court cases. But it will be the responsibility of the concerned Head of Forest Office for keeping upto date preliminary information of the Court cases.
4) If the judgment is pronounced against the Government then necessary appeal/ Revision petition should be completed within time limit.
5) In regard to the assigned legal matters action should be completed within prescribed time limit.
6) During the period of the agreement the legal advisor will not handle any case against the Forest Department.

5. **Responsibilities of the Forest Officer obtaining advise from the legal advisor.**

(1) As above the appointment of the legal advisor is made on contractual basis and he is not fulltime regular Government servant hence it does not be treated that because the appointment of the legal advisor is made, it is the responsibility of the legal advisor to follow up all the Court Cases.

(2) It will be the preliminary responsibility of Forest Officer the follow up the Court Cases place the side of Government effectively before the Court and protect the interest of the Government by obtaining the advise from the legal advisor.

(3) It will be the responsibility of this Officer obtaining advise to provide necessary documents to the Legal Advisor and brief the legal advisor in the case through knowledgeable Officer.

(4) The role of the legal advisor is limited upto giving legal advise to the Forest Officer handling the Court case, means it will be the preliminary responsibility of the Forest Officer seeking legal advise to preparation of drafts for filing Affidavits / Statement.

(5) In cases of minor and regular nature of cases, should not depend upon the legal advisor and waste time. The services of the legal advisor should be utilized only complicated and unavoidable cases having long term effect.

(6) It will be the responsibility of the Forest Officer seeking legal advise to monitor to see whether the concerned legal officer is discharging the responsibilities best owed up them is being discharge efficiently & effectively or otherwise.

(7) The Additional Principal Chief Conservator of Forest Conservator/ Concerned Chief Forest Conservator in their regular meeting will review the working of the legal advisor.

(8) In cases where the judgment is pronounced against Government, it will be the responsibility of the Forest Officer that the Appeal/ Revision Petition is filed within the prescribed time limit prescribed under the Limitation Act, 1963.

6. **Sanction is hereby accorded for appointment of above legal advisor on the consolidated remuneration subject to the following terms & conditions:**

a) The appointment against these posts will be fully on contractual bases and these legal advisors will not be treated as Government Servant. Their appointment will be subject to the execution of the prescribed agreement appended to this Government Resolution as Appendix 'A'

b) The Competent Officer mentioned in Appendix 'A' means the concerned Regional Chief Forest Conservator or as the case may be Chief Forest Conservator and Director Sanjay Gandhi National Park.

c) The responsibility for payment of the remuneration to legal Advisors will be the concerned Regional Chief Forest Conservator or as the case may be of Chief Forest Conservator and Director Sanjay Gandhi National Park.

d) These appointments will be made initially under agreement for a period of 11months. After expiry of eleven months if necessary the period of agreement may be extended. However while extending period the extension should not be for a exceeding the period of 11months at a time. The extension may granted not for more than three times. Thereafter if it is the opinion of the competent officer that it is necessary for reappointment of the candidate then this candidate will have to undergo again the selection process.

e) The concerned Competent Authority at the time of appointment will execute the agreement in the form prescribed in Appendix 'A'. It will be the responsibility concerned competent Office that the documents of the agreement are preserved and kept in Safe Custody. The legal advisor appointed under agreement on consolidated remuneration will not be eligible for payment of any other allowance.

7. The total expenditure on the above items amounting to Rs. 66.00 lakhs should be met from the sanctioned grants for the year 2013-14 under head 13th Finance Commission Forestation & Wild life, 101(11) Forest Conservation, Development & revival (11) (32) as per recommendation of 13th Finance Commission for Forest management Central Assistance (2406 7223).

8. This Government Resolution is issued under concurrence granted vide Un-official reference of the Finance Department No. 275/2013/ Exp- 10 dated 13/7/2013 and unofficial reference No. 102/2013/ Vaak of dated 26th July 2013 and Unofficial reference of L& JD No. 673/2013 /E dated 25th September 2013.

This Government resolution is available on the website of Government of Maharashtra www.maharashtra.gov.in Index No. 201402121524090519 orders are signed in the digital words.

By order and in the name Governor of Maharashtra.

Sd/-

(Pravnsinha Pardeshi)
Principal Secretary
Revenue & Forests Department

Copy to :

The Secretary to the Governor

The Additional Secretary to Chief Minister

The Secretary to Chief Minister

The Additional Secretary to Deputy Chief Minister

The Chief Secretary Maharashtra State.

The Private Secretary to the Hon. Minister (Forest) Revenue & Forest Department

Annexure 'E'

शासनास प्रतिवादी केलेल्या किंवा शासनातर्फे दाखल केलेल्या न्यायालयीन प्रकरणाबाबत तसेच जनहित याचिका इत्यादीबाबत मंत्रालयातील प्रत्यक्ष संबधित अधिकारी व उच्च न्यायालयातील संबधित सरकारी वकील कार्यालय यांच्यामध्ये न्यायालयीन निर्णयाची किंवा इतर न्यायालयीन बाबीची माहिती कळविण्यासाठी संपर्क अधिकारी " (Nodal Officer) ही जबाबदारी सरकारी वकील कार्यालय, उच्च न्यायालय, मुंबई खंडपीठ नागपुर व औरंगाबाद येथील आस्थापना अधिका-याकडे सोपविण्याबाबत.

महाराष्ट्र शासन

विधी व न्याय विभाग,

परिपत्रक क्र. संकीर्ण २००६/प्र.क्र.२११ /२००६/ का .आठ

मंत्रालय, मुंबई -४०००३२.

दिनांक :- २१ नोव्हेंबर, २००६

परिपत्रक

क्रिमिनल रिट याचिका क्रमांक ६२२/९६ या उच्च न्यायालय विरुध्द श्री गोपीनाथ मुंडे विधान सभा सदस्य या रिट याचिकेच्या अनुषंगाने मा. उच्च न्यायालय यांनी स्वतःहुन दाखल केलेली सुमोटो कंटेम्ट पिटीशन नंबर ५/२००३ बाबत असा न्यायनिर्णय झाला आहे की, **"उच्च न्यायालय, मुंबई खंडपीठ नागपुर व औरंगाबाद येथुन शासनाच्या निरनिराळया विभागातील न्यायीक प्रकरणाबाबत मा. उच्च न्यायालयीन दिलेले न्याय निर्णय तातडीने संबंधित विभागातील संबधित अधिकाऱ्यांकडे पोहचविण्यासाठी या विभागाने योग्य ती यंत्रणा तयार करावी".**

सदर पिटीशन मध्ये न्यायालयाने उपरोक्त यंत्रणा निर्माण करण्याच्या दृष्टीने दिलेल्या निर्देशानुसार शासनास प्रतिवादी केलेल्या किंवा शासनातर्फे दाखल केलेल्या न्यायालयीन प्रकरणाबाबत तसेच जनहित ***याचिका इत्यादीबाबत मंत्रालयातील प्रत्यक्ष संबधित अधिकारी व उच्च न्यायालयातील संबधित सरकारी वकील कार्यालय यांच्यामध्ये न्यायालयीन निर्णयाची किंवा इतर न्यायालयीन बाबीची माहिती कळविण्यासाठी "संपर्क अधिकारी (Nodel officer) "ही जबाबदारी सरकारी वकील कार्यालय, उच्च न्यायालय, मुंबई , खंडपीठ नागपुर व औरंगाबाद येथील आस्थापना अधिकारी यांच्याकडे सोपविण्यात यावी.*** **असा शासनाने निर्णय घेतला आहे.**

सद्यस्थितीत सर्व शासकीय कार्यालये व न्यायालये यांचे संगणीकरण करण्यात आलेले आहे. न्यायालयात रोज दिलेले जाणारे न्यायनिर्णय न्यायालयाच्या वेबसाईटवर प्रसारीत केले जातात. सदर

न्यायनिर्णय संबधित विभाग अधिकारी बघु शकतात. यासाठी न्यायालयाचे शासकीय दाव्यातील त्या त्या दिवसाचे महत्वपूर्ण निर्णय संबधित विभागातील प्रधान सचिवांना / सचिवाना पाठविण्याची जबाबदारी, उच्च न्यायालय मुंबई खंडपीठ नागपुर व औरंगाबाद येथिल "आस्थापना अधिकारी " या प्रशासनीक ज्येष्ठ पदावरील अधिकाऱ्यावर सोपविण्यात येत आहे ही जबाबादारी पार पाडण्यासाठी संबधित अधिकाऱ्यांनी ई -मेल या संगणकीय तंत्राचा वापर करावा. आस्थापना अधिकाऱ्यांनी ज्या ज्यावेळी न्यायनिर्णय होतील त्या त्यावेळी ते ई-मेल द्वारे संबधित शासकीय विभागाच्या प्रधान सचिव / सचिव यांच्याकडे पोहचविण्यासाठी ई -मेल, आवक / जावक रजिष्टर पध्दतींचा अवलंब करावा. त्याचप्रमाणे संबधित विभागातील प्रधान सचिव / सचिव यांच्याकडेही ई -मेल, आवक /जावक रजिष्टर पध्दत अवलंबिण्यात यावी. ज्यायोग्य संबंधीत अधिकाऱ्यांना न्यायनिर्णय वेळेवर प्राप्त होण्यात काटेकोरपणा राहील . संबधित सरकार वकील/ सहायक सरकारी वकील यांनी न्याय प्रकरणातील आदेश ,विनाविलंब आस्थापना अधिकारी यांना विदीत करावे व माहिती काटेकोरपणे पाठविली जाते किंवा नाही याबाबत खात्री करावी.

सरकारी वकील कार्यालय मुंबई येथे आस्थापना अधिकाऱ्यांची तीन पदे (रीट सेल ,मुळ शाखा, अपील शाखा) सरकारी वकील कार्यालय, उच्च न्यायालय मुंबई खंडपीठ नागपुर व औरंगाबाद या कार्यालयात प्रत्येकी एक आस्थापना अधिकारी अशी एकुण ५ पदे कार्यरत आहे. या ५ ही अधिकाऱ्यांवर त्यांच्या शी संबंधित उच्च न्यायालयतील शासकीय दाव्याबाबतची उपरोक्त जबाबदारी सोपविण्यात येत आहे.

सदरचे परिपत्रक तात्काळ अमंलात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने

अ. पि. भंगाळे

(अ. पी. भंगाळे)
प्रधान सचिव व विधी परामर्शी

प्रति,

१) मा. मुख्यमंत्री, यांचे खाजगी सचिव
२) मा. उपमुख्यमंत्री यांचे खाजगी सचिव
३) सर्व मंत्री व राज्यमंत्री यांचे खाजगी सचिव
४) मा. प्रबंधक, उच्च न्यायालय, (पत्राने)
५) मा. सचिव, विधान मंडळ सचिवालय (पत्राने)
६) सर्व मंत्रालयीन विभागांचे सचिव / प्रधान सचिव
७)महाअधिवक्ता, महाराष्ट्र राज्य, मुंबई,
८) असोसिएट ॲडव्होकेट जनरल, महाराष्ट्र राज्य, मुंबई,
९) सरकारी वकील, उच्च न्यायालय (मूळ शाखा), मुंबई,
१०) सरकारी वकील, उच्च न्यायालय (अपिल शाखा), मुंबई,
११) सरकारी वकील, उच्च न्यायालय (रिट सेल), मुंबई,
१२) सरकारी वकील, उच्च न्यायालय खंडपीठ, नागपूर,
१३) सरकारी वकील, उच्च न्यायालय खंडपीठ, औरंगाबाद,
१४)मुख्य सादरकर्ता अधिकारी, महाराष्ट्र प्रशासकीय,न्यायाधिकरण,मुंबई/नागपूर/औरंगाबाद,